

The Hon. Ricardo S. Martinez

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,
v.
\$18,000 IN U.S. CURRENCY, AND
ANY ACCRUED INTEREST, *et al.*,
Defendants.
and
MICHAEL WALKER,
Claimant.

NO. CV21-1291-RSM

**SETTLEMENT AGREEMENT
AND FINAL ORDER OF
FORFEITURE**

WHEREAS Plaintiff United States of America, by and through Tessa M. Gorman,
Acting United States Attorney for the Western District of Washington, and Krista K.
Bush, Assistant United States Attorney, and Michael Walker, by and through his counsel,
Richard J. Troberman, wish to resolve this matter without additional utilization of judicial
resources and without incurring further litigation expenses,

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1 IT IS HEREBY STIPULATED as follows:

2 This civil *in rem* forfeiture proceeding was brought by the United States against
3 the following property (collectively, the “Defendant Currency”):

- 4 1. \$18,000 in U.S. currency, and any accrued interest; and
- 5 2. \$882 in U.S. currency, and any accrued interest.

6 Dkt. No. 1. In its Verified Complaint for Forfeiture *in Rem*, and Amended Verified
7 Complaint for Forfeiture *in Rem*, the United States alleged that the Defendant Currency is
8 proceeds from the sale of controlled substances and/or attempt or conspiracy to distribute
9 controlled substances and, therefore, is forfeitable to the United States pursuant to 21
10 U.S.C. § 881(a)(6) for violations of 21 U.S.C. §§ 841 and 846. *See* Dkt. Nos. 1, 4.

11 The United States provided proper notice of this action to all known potential
12 claimants. Dkt. Nos. 2, 5. Published notice is also complete, as reflected in the
13 Declaration of Publication. Dkt. No. 11.

14 On October 21, 2021, Claimant Michael Walker timely filed a claim of ownership
15 to the Defendant Currency through his undersigned counsel. Dkt. No. 10. No other
16 parties have asserted a claim to the Subject Property and the time to do so has expired.

17 On November 3, 2021, the Court granted the Parties’ Joint Motion to Stay Civil
18 Case until the conclusion of a related criminal investigation involving Claimant Walker,
19 pursuant to 18 U.S.C. §§ 981(g)(1) and (g)(2). Dkt. No. 13. The Order directed the
20 Parties to file a Joint Status Report by May 3, 2022, if the civil forfeiture case were still
21 stayed on that date. *Id.*

22 The Parties filed Joint Status Reports on April 27, 2022, October 17, 2022, and
23 April 14, 2023. *See* Dkt. Nos. 16, 17, 18.

24 At the request of the parties, the Court lifted the stay on October 19, 2023.
25 Dkt. No. 20.

26 All persons and entities believed to have an interest in the Defendant Currency
27 were given proper notice of the intended forfeiture when this civil forfeiture action was

1 filed and no other claimants came forward to assert an interest in the defendant Currency
2 during the relevant period, which expired prior to the stay. *See* Dkt. No. 12.

3 NOW THEREFORE, this SETTLEMENT AGREEMENT is entered into among
4 the Parties pursuant to the following terms:

5 1. The Parties acknowledge that this Settlement Agreement is made as a
6 compromise of a disputed claim without adjudication of any issue of fact or law. The
7 parties further acknowledge and agree that this settlement shall not be deemed to
8 constitute an admission by Claimant Walker of fault, liability, or wrongdoing as to any
9 facts or claims alleged or asserted in the Verified Complaint for Forfeiture and shall not
10 be construed to create rights in, or grant any cause of action to, any third party not
11 covered by this Settlement Agreement.

12 2. The United States agrees to dismiss from this action and return to
13 Claimant Walker \$12,882 of the \$18,882 in United States currency seized on or about
14 April 7, 2021, with any accrued interest on that currency, as identified in paragraph 1 of
15 the Verified Complaint for Forfeiture *in Rem* and the Amended Verified Complaint for
16 Forfeiture *in Rem* (Dkt. Nos. 1, 4).

17 3. Claimant Walker agrees to withdraw his claim to, and consents to forfeiture
18 of the remaining \$6,000 in United States currency seized on or about April 7, 2021, with
19 any accrued interest on that currency, as identified in paragraph 1 of the Verified
20 Complaint for Forfeiture *in Rem* and the Amended Verified Complaint for Forfeiture
21 *in Rem* (Dkt. Nos. 1, 4).

22 4. Claimant Walker recognizes that the Debt Collection Improvement Act of
23 1996, 31 U.S.C. § 3716, which is administered by the Treasury Offset Program (“TOP”),
24 requires the United States Treasury to offset federal payments to collect certain
25 delinquent debts owed to the United States by a payee. Claimant Walker recognizes,
26 therefore, that the \$12,822 in U.S. currency identified in paragraph 2 for return to him
27 may be reduced by the amount of any delinquent debt TOP is required to collect.

1 5. Claimant Walker's withdrawal of his claims to, and his consent to forfeiture
2 of, the property set forth in paragraph 3 shall be in full and complete settlement and
3 satisfaction of all civil forfeiture issues relating to the Defendant Currency.

4 6. Claimant Walker agrees to release and hold harmless the United States, its
5 agents, servants, and employees (and any involved state or local law enforcement
6 agencies and their agents, servants, or employees), in their individual or official
7 capacities, from any and all claims he, or his representatives or agents, may possess, or
8 that may arise, as a result of the seizure of the above-identified property and the
9 subsequent forfeiture proceedings, including any claims for attorney's fees.

10 7. The Parties agree this Settlement Agreement is subject to review and
11 approval by the Court, as provided in the proposed Order submitted below.

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1 8. Upon entry of this Settlement Agreement and Final Order of Forfeiture, this
2 action shall be DISMISSED WITH PREJUDICE, closed, and the property identified in
3 paragraph 2 shall be returned to Claimant Walker within 60 days of entry of the Order.

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5 Respectfully submitted,
6 TESSA M. GORMAN
7 Acting United States Attorney

8 DATED: October 20, 2023

9 s/Krista K. Bush
10 KRISTA K. BUSH
11 Assistant United States Attorney
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13 Seattle, WA 98101
14 Telephone: (206) 553-2242
15 Fax: (206) 553-6934
16 Email: Krista.Bush@usdoj.gov

17 DATED: October 20, 2023

18 s/Richard J. Troberman
19 RICHARD J. TROBERMAN
20 Richard J. Troberman, P.S.
21 Attorney for Claimant
22 Michael Walker
23 520 Pike Street, Suite 2500
24 Seattle, WA 98101-1385
25 Telephone: (206) 343-111
26 Tmanlaw@aol.com

27 DATED: October 15, 2023

s/Michael Walker
MICHAEL WALKER
Claimant

ORDER

The foregoing Settlement Agreement is hereby approved under the terms and conditions set forth above.

1. The following property shall be returned to Claimant Walker within 60 days of entry of this Order: \$12,882 of the \$18,882 in United States currency seized on or about April 7, 2021, and any accrued interest on that currency, as identified in paragraph 1 of the Verified Complaint for Forfeiture *in Rem* and the Amended Verified Complaint for Forfeiture *in Rem* (Dkt. Nos. 1, 4).

2. The following property is FORFEITED to the United States: \$6,000 of the \$18,882 in United States currency, and any accrued interest on that currency, seized on or about April 7, 2021, as identified in paragraph 1 of the Verified Complaint for Forfeiture *in Rem* and the Amended Verified Complaint for Forfeiture *in Rem* (Dkt. Nos. 1, 4).

Pursuant to this agreement, the Court hereby DISMISSES this action.

IT IS ORDERED.

DATED this 23rd day of October, 2023.



RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on October 20, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sends notice of the filing to all ECF participants of record.

s/Hannah G. Williams

HANNAH G. WILLIAMS

FSA Paralegal III, Contractor

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